

EXHIBIT 44

Filed Under Seal

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA

3
4 CIVIL NO. 18-1776 (JRT/HB)

5 0:21-MD-02998-JRT-HB

6 MDL NO. 2998

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8 IN RE: PORK ANTITRUST LITIGATION

9 This Document Relates to: All Actions

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HIGHLY CONFIDENTIAL

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REMOTE VIDEO DEPOSITION OF MARK GINGERICH

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April 14, 2022

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REPORTED BY:

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Certified Realtime Reporter

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Registered Professional

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Reporter and Notary Public

1 information serve?

2 MR. TAYLOR: Object to form.

3 Vague. Calls for speculation. Lack of
4 foundation.

5 A. I think I've tried to explain
6 this a few times. In a competitive
7 business, we were striving to be
8 competitive by subscribing to the
9 competitive information.

10 Q. You see further down Mr. Solsma
11 writes: We are lagging in the export
12 percent but have made up some ground, 13.1
13 percent versus 22.9 percent for the
14 competition?

15 A. Okay. Yes. I see that.

16 Q. Did you understand this to refer
17 to the fact that Tyson was exporting a
18 lower percentage of its pork than its
19 competitors?

20 A. That's how I would understand it,
21 yes.

22 Q. And so Tyson needed to export
23 more pork to catch up with its competitors'
24 pork export levels?

25 MR. TAYLOR: Object to form.

1 Lack of foundation. Calls for speculation.

2 A. I didn't have oversight to
3 international sales. I can only say there
4 probably were times where we wished to
5 export more, and maybe there were times
6 when we didn't wish to export more. I
7 don't -- I -- That's difficult for me to
8 answer that.

9 Q. But one of the agenda items for
10 this meeting was talking about those export
11 percentages; right?

12 A. It appears that to be the case,
13 yes.

14 Q. Why would there be times where
15 Tyson would want to increase the amount of
16 pork it was exporting?

17 MR. TAYLOR: Object to form.
18 Object to form. Lack of foundation. Calls
19 for speculation.

20 A. If the -- If they determined
21 there was better realization in the export
22 sales, then that's why they would want
23 more.

24 Q. Is it true that starting in 2008,
25 the pork industry began reducing the number

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1 of hogs slaughtered and started increasing
2 the amount of pork that was being exported?

3 MR. TAYLOR: Object to form.

4 Vague. Lack of foundation. Calls for
5 speculation.

6 A. Ask that question again, please.

7 Q. Is it true that starting in 2008,
8 the pork industry began reducing the number
9 of hogs it slaughtered and started
10 increasing the amount of pork that was
11 being exported?

12 MR. TAYLOR: Same objections.

13 A. I do not know the answer to that
14 question.

15 Q. Let's take a look at tab 11.
16 We're going to mark this as Exhibit 477.
17 It's TF-P-001368185 through 86.

18 (Plaintiff's Exhibit
19 477 was marked for
20 identification.)

21 A. Okay.

22 Q. The first page is a fair and
23 accurate copy of an email from Jerry
24 Holbrook, to you and others, dated February
25 24, 2010; correct?